

**Senate File 2362 - Introduced**

SENATE FILE 2362  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3104)

**A BILL FOR**

1 An Act relating to entities supported in whole or in part  
2 by public moneys, including the sale of public bonds,  
3 the duties and responsibilities of school boards, school  
4 districts, the department of education, accredited nonpublic  
5 schools, charter schools, and children's residential  
6 facilities, and the membership and voting units of county  
7 and city conference boards.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

BOND SALES

1  
2  
3 Section 1. Section 75.2, Code 2022, is amended to read as  
4 follows:

5 **75.2 Notice of sale.**

6 When public bonds are offered for sale, the official in  
7 charge of the bond issue shall, ~~by advertisement published~~  
8 ~~at least once, the last one of which shall be not less than~~  
9 ~~four nor more than twenty days before the sale in a newspaper~~  
10 ~~located in the county or a county contiguous to the place of~~  
11 ~~sale, give notice of the time and place of sale of the bonds,~~  
12 ~~the amount to be offered for sale, and any further information~~  
13 ~~which the official deems pertinent by publishing the time and~~  
14 place of sale of the bonds, the amount to be offered for sale,  
15 and any additional information the official deems pertinent  
16 to the bond issue not less than four nor more than twenty  
17 days before the sale in at least one electronic or written  
18 publication with nationwide circulation that is recognized for  
19 providing information regarding the sale of public bonds.

20 Sec. 2. Section 75.14, Code 2022, is amended to read as  
21 follows:

22 **75.14 Electronic bidding.**

23 Notwithstanding contrary provisions of **this chapter,**  
24 including section 75.3, a public body authorized to issue  
25 bonds, notes, or other obligations may elect to receive bids to  
26 purchase such bonds, notes, or other obligations by means of  
27 electronic, internet, or wireless communication; a proprietary  
28 bidding procedure or system; or by facsimile transmission  
29 to a location deemed appropriate by the governing body, in  
30 each instance as may be approved by the governing body and  
31 provided for in the notice of sale. An electronic bid shall  
32 be submitted in substantial conformity with the requirements  
33 of **chapter 554D** and any rules adopted pursuant to that chapter  
34 with respect to the acceptance of electronic records by a  
35 governmental agency. Additionally, before approving the use

1 of an electronic bidding procedure, the public body shall find  
2 and determine that the specific procedure to be used will  
3 provide reasonable security and maintain the integrity of  
4 the competitive bidding process, and facilitate the delivery  
5 of bids by interested parties under the circumstances of the  
6 particular sale.

7 DIVISION II

8 SCHOOL BOARD DUTIES AND RESPONSIBILITIES

9 Sec. 3. Section 279.6, subsection 1, paragraph a, Code 2022,  
10 is amended to read as follows:

11 a. Except as provided in paragraph "b" and subsection 2,  
12 vacancies occurring among the officers or members of a school  
13 board shall be filled by the board by appointment. A person  
14 so appointed to fill a vacancy in an elective office shall  
15 hold office until a successor is elected and qualified at the  
16 next regular school election, unless there is an intervening  
17 special election for the school district, in which event a  
18 successor shall be elected at the intervening special election,  
19 in accordance with section 69.12. To fill a vacancy occurring  
20 among the members of a school board, the board shall publish  
21 notice either on the board's internet site or in the manner  
22 prescribed by section 279.36, stating that the board intends to  
23 fill the vacancy by appointment but that the electors of the  
24 school district have the right to file a petition requiring  
25 that the vacancy be filled by a special election conducted  
26 pursuant to section 279.7. The board may publish notice in  
27 advance if a member of the board submits a resignation to take  
28 effect at a future date. The board may make an appointment to  
29 fill the vacancy after the notice is published or after the  
30 vacancy occurs, whichever is later.

31 Sec. 4. Section 279.6, subsection 1, paragraph b,  
32 subparagraphs (1) and (2), Code 2022, are amended to read as  
33 follows:

34 (1) If within fourteen days after ~~publication of a~~ providing  
35 notice required pursuant to paragraph "a" for a vacancy that

1 occurs more than one hundred eighty days before the next  
2 regular school election, or after the filing period closes  
3 pursuant to [section 277.4, subsection 1](#), for the next regular  
4 school election, there is filed with the secretary of the  
5 school board a petition requesting a special election to fill  
6 the vacancy, an appointment to fill the vacancy is temporary  
7 until a successor is elected and qualified, and the board shall  
8 call a special election pursuant to [section 279.7](#), to fill the  
9 vacancy for the remaining balance of the unexpired term.

10 (2) If within fourteen days after ~~publication of a~~ providing  
11 notice required pursuant to paragraph "a" for a vacancy that  
12 occurs one hundred eighty days or less but more than forty days  
13 before the next regular school election there is filed with the  
14 secretary of the school board a petition requesting to fill  
15 the vacancy by election, an appointment to fill the vacancy is  
16 temporary until a successor is elected and qualified, and the  
17 school board shall require that the remaining balance of the  
18 unexpired term be filled at the next regular school election.

19 Sec. 5. Section 279.20, subsection 2, Code 2022, is amended  
20 to read as follows:

21 2. The board of directors of a school district may delegate  
22 the authority to hire support personnel and sign the support  
23 personnel employment contracts, if applicable, if the board  
24 adopts a policy authorizing the superintendent to perform  
25 such duties and specifying the positions the superintendent  
26 is authorized to fill. The board of directors of a school  
27 district and the superintendent, if authorized pursuant to  
28 this subsection, may use electronic signatures and electronic  
29 contracts pursuant to chapter 554D and facsimile signatures  
30 when entering into the contracts described in this subsection.  
31 For purposes of [this subsection](#), the term "*support personnel*"  
32 includes, but is not limited to, bus drivers, custodians,  
33 educational associates, and clerical and food service  
34 employees.

35 Sec. 6. Section 280.5, subsection 2, Code 2022, is amended

1 to read as follows:

2     2. ~~The board of directors of each~~ Each public school  
3 district shall administer the pledge of allegiance in grades  
4 one through twelve each school day. Each classroom in which  
5 the pledge of allegiance is recited pursuant to this subsection  
6 shall display the United States flag during the recitation. A  
7 student shall not be compelled against the student's objections  
8 or those of the student's parent or guardian to recite the  
9 pledge.

10     Sec. 7. Section 291.1, Code 2022, is amended to read as  
11 follows:

12     **291.1 President — duties.**

13     The president of the board of directors shall preside at  
14 all of its meetings, sign all contracts made by the board, and  
15 appear on behalf of the corporation in all actions brought by  
16 or against it, unless individually a party, in which case this  
17 duty shall be performed by the secretary. The president or the  
18 president's designee shall have the authority to enter into  
19 original contracts or electronic contracts pursuant to chapter  
20 554D and sign, using an original, ~~or~~ facsimile, or electronic  
21 signature, as defined in section 554D.103, all school district  
22 payments drawn and authorize electronic funds transfers as  
23 provided by law. The board of directors, by resolution, may  
24 designate an individual, who shall not be the secretary, to  
25 sign payments or authorize electronic funds transfers on behalf  
26 of the president pursuant to this section.

27                                   DIVISION III

28                                   DEPARTMENT OF EDUCATION WORK GROUP

29     Sec. 8. DEPARTMENT OF EDUCATION — HEALTH CARE-RELATED  
30 TRAINING FOR SCHOOL PERSONNEL WORK GROUP.

31     1. The department of education shall convene and provide  
32 administrative support to a health care-related training  
33 for school personnel work group. The work group shall  
34 review and develop a plan to ensure Iowa educators have the  
35 health care training necessary to perform their duties and

1 responsibilities, and shall consider and submit recommendations  
2 for delivery and implementation of training required under  
3 state law or rule.

4 2. The work group shall include all of the following:

5 a. (1) Two members who are staff members from the  
6 department of education, one of whom shall be an administrative  
7 consultant in the bureau of nutrition and health services.  
8 A member appointed under this subparagraph shall coordinate  
9 the work group and act as chairperson for the organizational  
10 meeting.

11 (2) One member who is a staff member from the Iowa  
12 department of public health.

13 b. Members who shall represent each of the following:

14 (1) One member from a statewide organization representing  
15 teachers.

16 (2) One member from a statewide organization representing  
17 school board members.

18 (3) One member from a statewide organization representing  
19 school administrators.

20 (4) One member from a statewide organization representing  
21 authorities in charge of accredited nonpublic schools.

22 (5) One member representing the area education agencies.

23 (6) One member from a statewide organization representing  
24 physicians.

25 (7) One member from a statewide organization representing  
26 athletic trainers.

27 (8) One member from a statewide organization representing  
28 emergency management services.

29 (9) One member from a statewide organization representing  
30 health care organizations.

31 (10) One member from a statewide organization representing  
32 school nurses.

33 3. Any expenses incurred by a member of the work group  
34 shall be the responsibility of the individual member or the  
35 respective entity represented by the member.

1     4. The director of the department of education or the  
2 director's designee shall compile and provide to the work group  
3 a list of, and the purposes for, the health care training  
4 programs that school personnel are required to complete, as  
5 well as any requirements school personnel must meet following  
6 such training, in order be in compliance with state law or  
7 administrative rule.

8     5. The work group shall do all of the following:

9     a. Identify which trainings can be best provided online,  
10 and how such training can be rotated on a five-year basis for  
11 school personnel.

12    b. Develop a plan for a regular cycle of health care-related  
13 training for school personnel review, with the goal of removing  
14 or modifying training or training programs that are no longer  
15 relevant, and identifying less costly and more efficient  
16 options that still provide the appropriate level of training to  
17 school personnel.

18    c. Standardize the process of establishing new training  
19 requirements in state law or rule to manage stakeholder  
20 expectations relating to the timeline for establishing the  
21 requirements.

22    d. Create an ongoing review process to find efficiencies,  
23 identify training options that better utilize time and  
24 financial resources, and offer a continuous improvement model  
25 for the system moving forward.

26    e. Study and make any recommended changes on rules adopted  
27 by the state board of education under 281 IAC ch. 14, relating  
28 to individual health plans prepared for students with various  
29 health conditions.

30    f. Ensure a public comment process for patient advocacy  
31 groups and parents to provide input on the recommendations of  
32 the work group.

33    6. If the work group recommends elimination or significant  
34 modification of certain health care-related training for  
35 school personnel, the department of education shall identify

1 stakeholders who would potentially be affected by such  
2 change, and shall invite representatives from organizations  
3 representing such stakeholders to submit comments before or  
4 at an upcoming work group meeting before the work group makes  
5 final recommendations.

6 7. The department of education shall compile the work  
7 group's findings and recommendations and shall submit the  
8 compilation, including any proposal for legislation, in a  
9 report to the general assembly, the governor, and the state  
10 board of education by December 1, 2022.

11 DIVISION IV

12 STATEWIDE SCHOOL INFRASTRUCTURE FUNDING

13 Sec. 9. Section 423F.4, subsection 2, paragraph a, Code  
14 2022, is amended to read as follows:

15 a. Bonds issued on or after July 1, 2019, shall not be sold  
16 at public sale as provided in chapter 75, or at a private sale,  
17 without notice and hearing. Notice of the time and place of  
18 the public hearing shall be published not less than ten nor  
19 more than twenty days before the public hearing in a newspaper  
20 which is a newspaper of general circulation in the school  
21 district. This paragraph does not apply to the refinancing of  
22 bonds.

23 DIVISION V

24 COUNTY CONFERENCE BOARD

25 Sec. 10. Section 441.2, Code 2022, is amended to read as  
26 follows:

27 **441.2 Conference board.**

28 In each county and each city having an assessor there shall  
29 be established a conference board. In counties the conference  
30 board shall consist of the mayors or a designated member of a  
31 city council of all incorporated cities in the county whose  
32 property is assessed by the county assessor, one representative  
33 from the board of directors of each high school district of  
34 the county, who is a resident of the county, ~~said board of~~  
35 ~~directors appointing said representative for a one-year term~~



1 ~~and notifying the clerk of the conference board as to their~~  
 2 ~~representative,~~ and members of the board of supervisors. In  
 3 cities having an assessor the conference board shall consist  
 4 of the members of the city council, ~~school board~~ the board  
 5 of directors of each high school district in the city, and  
 6 county board of supervisors. In the counties the chairperson  
 7 of the board of supervisors shall act as chairperson of the  
 8 conference board, in cities having an assessor the mayor of the  
 9 city council shall act as chairperson of the conference board.  
 10 In any action taken by the conference board, the mayors of all  
 11 incorporated cities in the county whose property is assessed  
 12 by the county assessor shall constitute one voting unit, the  
 13 members of the ~~city board of education~~ board of directors of  
 14 each high school district in the city or one representative  
 15 from the board of directors of each high school district of the  
 16 county shall constitute one voting unit, the members of the  
 17 city council shall constitute one voting unit, and the county  
 18 board of supervisors shall constitute one voting unit, each  
 19 unit having a single vote and no action shall be valid except  
 20 by the vote of not less than two out of the three units. In  
 21 any action taken by the conference board, if a city or a county  
 22 contains only one high school district, the members of or the  
 23 representative of the board of directors of the high school  
 24 district, as applicable, shall constitute one voting unit.  
 25 The majority vote of the members present of each unit shall  
 26 determine the vote of the unit. The assessor shall be clerk of  
 27 the conference board.

## 28 DIVISION VI

### 29 SEIZURE TRAINING REQUIREMENTS

30 Sec. 11. Section 256E.7, subsection 2, Code 2022, is amended  
 31 by adding the following new paragraph:

32 NEW PARAGRAPH. *0i.* Be subject to and comply with the  
 33 seizure training requirements of section 279.76 in the same  
 34 manner as school districts.

35 Sec. 12. NEW SECTION. **279.76 Seizure training requirements.**

1 Commencing with the school year beginning July 1, 2023,  
2 the board of directors of each school district shall have  
3 at least one school employee at each school who has met the  
4 training requirements necessary to administer or assist with  
5 the self-administration of all of the following:

6 1. A seizure rescue medication or medication prescribed  
7 to treat seizure disorder symptoms as approved by the United  
8 States food and drug administration.

9 2. A manual dose of prescribed electrical stimulation using  
10 a vagus nerve stimulator magnet as approved by the United  
11 States food and drug administration.

12 DIVISION VII

13 CHILDREN'S RESIDENTIAL FACILITIES

14 Sec. 13. Section 282.34, Code 2022, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 6. For children requiring admission to  
17 a residential treatment facility, the residential treatment  
18 facility shall complete and provide to the district of  
19 residence the documentation necessary to seek Medicaid  
20 reimbursement for eligible services.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill relates to entities supported in whole or in part  
25 by public moneys, including the sale of public bonds, the  
26 duties and responsibilities of school boards, school districts,  
27 the department of education, accredited nonpublic schools,  
28 charter schools, and children's residential facilities, and  
29 the membership and voting units of county and city conference  
30 boards.

31 DIVISION I — BOND SALES. Current law provides that when  
32 public bonds are offered for sale, the official in charge  
33 of the bond issue shall give notice of the time and place  
34 of sale, the amount to be offered for sale, and any further  
35 information which the official deems pertinent by publishing

1 an advertisement in a newspaper. The bill modifies this  
2 provision to require the official in charge of the bond issue  
3 to give notice of the sale by publishing the time and place of  
4 sale, the amount to be offered for sale, and any additional  
5 information the official deems pertinent to the bond issue in  
6 at least one electronic or written publication with nationwide  
7 circulation that is recognized for providing information  
8 regarding the sale of public bonds.

9 Code section 75.14 provides that, notwithstanding contrary  
10 provisions of Code chapter 75 (authorization and sale of public  
11 bonds), a public body authorized to issue bonds or other  
12 obligations may elect to receive bids to purchase such bonds  
13 or other obligations by means of electronic communication, a  
14 proprietary bidding procedure, or by facsimile transmission to  
15 a location deemed appropriate by the governing body. The bill  
16 adds a reference to Code section 75.3 (sealed and open bids) to  
17 the notwithstanding provision.

18 DIVISION II — SCHOOL BOARD DUTIES AND RESPONSIBILITIES.

19 Code section 279.6 provides a process to fill vacancies  
20 occurring among the members of a school board. This process  
21 requires, among other things, the publication in a newspaper  
22 of notice stating that the board intends to fill the vacancy  
23 by appointment. The bill authorizes notice to be provided by  
24 publication on the board's internet site as well.

25 The bill authorizes the board of directors of a school  
26 district and the superintendent, in certain specified  
27 circumstances, to use electronic signatures and electronic  
28 contracts pursuant to Code chapter 554D (electronic  
29 transactions) and facsimile signatures when entering into  
30 contracts to hire support personnel.

31 Current law requires the board of directors of each public  
32 school district to administer the pledge of allegiance in  
33 grades 1 through 12 each school day. The bill modifies this  
34 provision to require each public school district to administer  
35 the pledge of allegiance in grades 1 through 12 each school

1 day.

2 The bill authorizes the president of the board of directors  
3 of a school district, or the president's designee, to enter  
4 into original contracts or electronic contracts pursuant to  
5 Code chapter 554D and sign, using an original, facsimile, or  
6 electronic signature, all school district payments drawn and  
7 authorize electronic funds transfers as provided by law.

8 DIVISION III — DEPARTMENT OF EDUCATION WORK GROUP. The bill  
9 requires the department of education to convene and provide  
10 administrative support to a health care-related training for  
11 school personnel group. The bill requires the group to review  
12 and develop a plan to ensure that Iowa educators have the  
13 health care training necessary to perform their duties and  
14 to submit recommendations for delivery and implementation of  
15 training required under state law or rule. The bill specifies  
16 the members the group shall include. The bill requires the  
17 group to submit its findings and recommendations in a report  
18 to the general assembly, the governor, and the state board of  
19 education by December 1, 2022.

20 DIVISION IV — STATEWIDE SCHOOL INFRASTRUCTURE FUNDING.  
21 Current law provides that bonds issued under Code chapter 423F  
22 (statewide school infrastructure funding) on or after July 1,  
23 2019, shall not be sold at a public or private sale without  
24 notice and hearing. Current law also provides that notice of  
25 the sale shall be published in a newspaper. The bill provides  
26 that these provisions do not apply to the refinancing of bonds.

27 DIVISION V — COUNTY CONFERENCE BOARD. Current law provides  
28 that each county and each city having an assessor shall have a  
29 conference board. Current law also provides that in counties,  
30 the conference board shall consist of the mayors of all  
31 incorporated cities in the county whose property is assessed  
32 by the county assessor, one representative from the board of  
33 directors of each high school district of the county, who is  
34 a resident of the county, said board of directors appointing  
35 said representative for a one-year term and notifying the

1 clerk of the conference board as to their representative, and  
2 members of the board of supervisors. The bill modifies this  
3 provision to require that the conference board consist of the  
4 mayors or a designated member of a city council, along with  
5 the representatives already provided. The bill also strikes  
6 the requirement that the board of directors of a high school  
7 district appoint a representative for a one-year term and  
8 notify the clerk of the conference board as to the identity  
9 of the representative. Current law provides that, in cities  
10 having an assessor, the conference board shall consist of the  
11 members of the city council, school board, and county board of  
12 supervisors. The bill replaces this reference to school board  
13 with the board of directors of each high school district in the  
14 city. The bill establishes that, in any action taken by the  
15 conference board, the board of directors of each high school  
16 district in the city or one representative from the board of  
17 directors of each high school district of the county shall  
18 constitute one voting unit. The bill also establishes that, in  
19 any action taken by the conference board, if a city or a county  
20 contains only one high school district, the members of or the  
21 representative of the board of directors of the high school  
22 district, as applicable, shall constitute one voting unit.

23 DIVISION VI — SEIZURE TRAINING REQUIREMENTS. Commencing  
24 with the school year beginning July 1, 2023, the bill  
25 requires school districts and charter schools to have at  
26 least one school employee at each school who has met the  
27 training requirements necessary to administer or assist with  
28 the self-administration of seizure rescue medications and  
29 electrical stimulation using vagus nerve stimulator magnets.

30 DIVISION VII — CHILDREN'S RESIDENTIAL FACILITIES. The bill  
31 provides that for children requiring admission to a residential  
32 treatment facility, the residential treatment facility shall  
33 complete and provide to the school district of residence the  
34 documentation necessary to seek Medicaid reimbursement for  
35 eligible services.